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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,411	08/21/2001	Scott Allen Heimermann		8121

7590 02/17/2004

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EXAMINER	
BASHORE, ALAIN L	
ART UNIT	**PAPER NUMBER**
3624	

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,411	HEIMERMANN ET AL.	
	Examiner	Art Unit	
	Alain L. Bashore	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is not limited to one paragraph

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

the last page of the specification includes a last paragraph with signatures that is inappropriate for the specification.

Appropriate correction is required.

3. The title of the invention is objected to as being excessively long. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Centralized Procurement Method

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally awkward and confusing in nature. Specific and general comments are made below. It is applicant's requirement to conform in total to all office practice, rules and law.

The following terms are considered vague and indefinite: similar, officials, convenient, most commonly, commonly ordered, pertinent, using legal and policy-based requirements, favorable, unfavorable, sensible, advantageous, appropriate, deductively determine, optimal, presumptively controlling factor, similar procurement needs, desirable conditions, reasonable time limits, high-level divisions, significance, the impact, deemed aberrant, comprehend the state of, all aspects of procurement, pertinent, insofar as a given analysis concerns the specific official, sound procurement policy, prudent levels, impacted level, convenient presentation,

The entirety of claim 9 is awkward. The claim will be examined as best understood.

Claim 18 contains multiple periods. The claim will be examined only up to the first period.

The word "detection" appears to be miss-spelled in claim 3.

Inappropriate use of parentheses is utilized. The word(s) to be abbreviated are simply given within parentheses then hereafter used as such (i.e.: centralized procurement administration (CPA)). Other claims include other uses for paranthes not allowed, i.e. comments such as: "but not limited to", Latin phrases, etc.

References are made inappropriately in the claims to specification sections (i.e.: section K.I.B.7. and 8.).

The use of "the" and "said" are inappropriately used. There must be a first occurrence of the word without use of "the" or "said" before "the" and "said" may be used. Please correct all lack of antecedent basis throughout all claims.

Abbreviations are used without first definition in the claim and with parentheses (i.e.: "J.I.T.").

Claim 10 inappropriately refers back to another claim after the preamble.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 8-9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy.

Shkedy discloses a method of e-procurement including posting orders within an Internet web site for bidding by reverse auction is known (col 1, lines 14-65; col 6, lines 40-47). Pre-set criterion is utilized to identify a winning bid (col 17, lines 32-49) after which the winning bidder is notified (col 6, lines 29-40). Communication between procurement administration and nodes with digital detection and verification of nodes (col 8, lines 55-61) is used, and requisition is converted or pooled for posting to auction. Pooling unfulfilled requisition portions using RFP or RFB into a pool, where the pool is reverse auctioned (col 8, lines 41-54).

A shipper is specified, where the winning bidder and shipper is both notified (), and agreed-upon terms are recited (col 17, lines 60-67; col 18, lines 1-15; col 27, lines 49-55). Identifier and password within pre-set limit (col 20, lines 46-58). Order tracking

including monitoring "open" and "closed" status (col 6, lines 18-25), monitoring time limits (col 16, lines 62-65; col 17, lines 1-22).

Shkedy does not explicitly disclose "a forum".

It would have been obvious to one with ordinary skill in the art to include a forum to Shkedy because Shkedy teaches that e-commerce will encompass multiple functions spanning widespread usage (col 1, lines 14-30).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Carlton-Foss.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of Basch et al as applied to claim 4, and further in view of Carlton-Foss.

Shkedy does not disclose manually reviewing the requisition and manual override.

Carlton-Foss discloses manually reviewing the requisition and manual override (col 12, lines 52-56).

It would have been obvious to one with ordinary skill in the art to include manually reviewing the requisition and manual override because Carlton-Foss teaches advantages to doing so (col 8, lines 15-25).

8. Claims 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Chiasson

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of Basch et al in view of Carlton-Foss as applied to claim 5, and further in view of Chiasson.

Shkedy or Carlton-Foss do not disclose uploading supplier catalogs that are digitally included, the catalog with search features and may be organized by categories.

Chiasson discloses uploading supplier catalogs (para 0064, 0066) that are digitally included, the catalog with search features and may be organized by categories (para 0085)

It would have been obvious to one with ordinary skill in the art to include uploading supplier catalogs that are digitally included, the catalog with search features

and may be organized by categories because Chiasson teaches efficiency of using a uploaded catalog in place of looking a multiple web sites (para 0004).

9. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Basch et al

Shkedy does not disclose:

determining, entering, recording, and comparing spending limits and granting / denying authorization according to the limits; and,

procurement data analyses including recognizing aberrant patterns, ordering, and behaviors.

Basch et al discloses: determining, entering, recording, and comparing spending limits and granting / denying authorization according to the limits (col 1, lines 48-62), and procurement data analyses including recognizing aberrant patterns, ordering, and behaviors (col 5, lines 46-60).

It would have been obvious to one with ordinary skill in the art to include determining, entering, recording, and comparing spending limits and granting / denying authorization according to the limits because Basch teaches such to mininimize losses (col 1, lines 48-50).

It would have been obvious to one with ordinary skill in the art to include procurement data analyses including recognizing aberrant patterns, ordering, and behaviors for the purposes of fraud detection.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Sage

Shkedy does not disclose requisition fulfillment from warehoused stock-on-hand and processing of unfulfilled balance by way of purchase.

Sage discloses requisition fulfillment from warehoused stock-on-hand and processing of unfulfilled balance by way of purchase (col 3, lines 25-52; col 5, lines 5-20).

It would have been obvious to one with ordinary skill in the art to include requisition fulfillment from warehoused stock-on-hand and processing of unfulfilled

balance by way of purchase because Sage teaches profit margin considerations (col 3, lines 25-30).

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Hahn-Carlson.

Shkedy does not disclose authorized shippers that includes terms, conditions, and known capability.

Hahn-Carlson discloses authorized shippers including terms and conditions, known capability (table 1).

It would have been obvious to one with ordinary skill in the art to include authorized shippers including terms and conditions, known capability because Hahn-Carlson teaches shipping to be complicated requiring automation especially with multiple entities (col 1, lines 14-65).

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Mandler et al and Hafner et al and Jarett.

Shkedy does not disclose reconciling invoices, release rules and spreadsheet.

Mandler et al discloses reconciling invoices (col 5, lines 3-5); Hafner et al discloses release rules (col 8, lines 20-26); and Jarett discloses spreadsheet (col 27, lines 37-40).

It would have been obvious to one with ordinary skill in the art to include reconciling invoices because Mandler et al teaches electronic settlement is wanted in the art (col 3, lines 12-29).

It would have been obvious to one with ordinary skill in the art to include release rules because Hafner et al teaches advantages for inventory purposes (col 1, lines 12-41)

It would have been obvious to one with ordinary skill in the art to include spreadsheet because Jarett teaches reporting needs required in in finance and accounting (col 1, lines 14-31).

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy as applied to claims 1-3, 8-9, 11, and 13 above, and further in view of Landvator

Shkedy does not disclose predicting future procurement patterns,

reporting conclusions and recommendations, with reminders and prompts for checking stock/overstock levels.

Landvator discloses predicting future procurement patterns, reporting conclusions and recommendations, with reminders and prompts for checking stock/overstock levels (col 2, lines 50-55; col 3, lines 59-67; col 4, lines 1-2).

It would have been obvious to one with ordinary skill in the art to include predicting future procurement patterns, reporting conclusions and recommendations, with reminders and prompts for checking stock/overstock levels because Landvator teaches irregularities in demand (col 2, lines 50-65), and the undesirability of overstockage (col 4, lines 1-2).

Explanations for Pro se Applicant

14. It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may find applicable rules, law, and examining procedure on the PTO's website http/www.USPTO.gov.

Applicant should submit an argument in response to this office action under the heading "Remarks" pointing out disagreements with the examiner's contentions.

Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Applicant may include an amendment to the claims in response to this office action under the heading "In the Claims" which must comply with the requirements of 37 CFR 1.121(c). Amendments to the claims filed after March 1, 2001 must comply with 37 CFR 1.121(c) which states:

> (c) Claims.
> (1) Amendment by rewriting, directions to cancel or add: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.
> (i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").
> (ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.
> (2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

If applicant does not fuly comply with the rules for responding to this office action correctly, and the reply appears to be *bona fide*, applicant would most likey be given a limited time period to submit an amendment that would comply in order to avoid abandonment. The numbering of claims must be in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered.

When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Applicant may include an amendment to the specification in response to the office action under the heading "In the Specification" which must comply with the requirements of 37 CFR 1.121(b) which includes:

> Amendments to the specification, other than the claims and listings provided for elsewhere may be made by submitting:
> (i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a deleted paragraph with one or more replacement paragraphs, or add one or more paragraphs;
> (ii) Any replacement or added paragraph(s) in clean form, that is, without markings to indicate the changes that have been made; and
> (iii) Another version of any replacement paragraph(s), on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of the paragraph(s). The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added paragraph or a deleted paragraph as it is sufficient to state that a particular paragraph has been added, or deleted.
> (2) Amendment by replacement section . If the sections of the specification contain section headings, amendments to the specification, other than the claims, may be made by submitting:
> (i) A reference to the section heading along with an instruction to delete that section of the specification and to replace such deleted section with a replacement section;
> (ii) A replacement section in clean form, that is, without markings to indicate the changes that have been made; and
> (iii) Another version of the replacement section, on one or more pages separate from the amendment, marked up to show all changes relative to the previous version of the section. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system.

Applicant is reminded that 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention.

If Applicant's reply to the Office Action is after the expiration of the period for reply set in the above noted Office action, the application will become abandoned unless applicant obtains an extension of the period for reply. An extension of the reply

period may be obtained by filing a petition under 37 CFR 1.136(a). The petition must be accompanied by the appropriate fee as set forth in 37 CFR 1.17. The date on which the reply, the petition, and the fee have been filed is the date of the reply and also the date for purposes of determining the period of extension and the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid. Applicant is advised that in no case can any extension carry the date for reply to an Office action beyond the maximum period of SIX MONTHS set by statute. Additionally, extensions may not be granted under 37 CFR 1.136(a) for more than FIVE MONTHS beyond the time period set in an Office action.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alain L. Bashore